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The testimony of Sergeant Charles S. Riley, of Northampton, Mass., and private William L. Smith, of Athol, Mass., formerly members of the Twenty-sixth United States Volunteers, was the first evidence, under oath, submitted to the Senate Philippine Investigating Committee which established the fact of the use of torture under the United States flag in the Philippines for a military purpose. It showed that this torture was systematically used by officers of rank in the regular army, and that a squad of soldiers was employed to superintend the operation known as the "water detail." This fact proved important as it was startling. It was established on the morning of Monday, April 14th, and on the afternoon of the following day a Cabinet meeting was held at which it was decided that the President and the Secretary of War should announce to the public that a thorough investigation of all such outrages should be entered upon.

The stenographic report of the testimony of Messrs. Riley and Smith, as published by the Government Printing Office, is as follows:

TESTIMONY OF CHARLES S. RILEY.

(Sworn by the chairman.)

By the CHAIRMAN:

Q. Are you now in the Army of the United States?—A. No, sir; I am not.

Q. You have been in the Army?—A. Yes.

Q. What regiment?—A. I was in the First Connecticut in 1898 for six months, and afterwards in the Twenty-sixth Infantry Volunteers for twenty-two months.

Q. While you were in the Twenty-sixth Volunteer Infantry were you in the Philippine Islands?—A. Yes, sir.

Q. During the whole period of your service?—A. For eighteen months.

Senator RAWLINS. I have talked to this witness.

The CHAIRMAN. Very well; if you will examine him as to anything you want to ask we will be glad to have you do so.

By Senator RAWLINS:

Q. You have given your place of residence, I believe.—A. Northampton, Mass.

Q. When did you arrive in the Philippine Islands?—A. October 30, 1899. That is, we arrived in the harbor of Manila on the 25th and we arrived at out-station October 30th.

Q. When did you leave?—A. I went aboard the vessel March 4, 1901, and we sailed the next day.

Q. And when did you arrive in San Francisco?—A. April 20, 1901.

Q. During your service in the Philippine Islands what position in the Army did you hold?—A. I held all the positions from private to first sergeant. I was discharged as the first sergeant of the company.

Q. During your service there did you witness what is generally known as the water cure?—A. I did.

Q. When and where?—A. On November 27, 1900, in the town of Igbaras, Iloilo Province, Panay Island.

Q. You may state, Mr. Riley, what you saw in that regard.—A. The first thing I saw that I thought was anything out of the ordinary, in going into the quarters from downstairs—

Q. Let me premise that, perhaps. Was your company stationed at Igbaras?—A. One detachment of 15 men garrisoned the town.

Q. And what building did you occupy?—A. It was known as the convent, the convent in connection with the church. It was a convent or a school.

Q. Did you occupy the first floor or the second floor?—A. We occupied the entire building.

Q. The entire building?—A. The entire building.

Q. You may state whether there was an upper floor.—A. There was. Downstairs it was a stone building, with stone floors, and then there was a second story; it was two stories, and we occupied the upstairs with our quarters.

Q. How was the second story reached?—A. By stone steps.

Q. You may state whether or not there was a corridor at the head of the

stairway.—A. There was a corridor on the right, and then we went through another corridor into the room we called our squad room, known as the quarters of the soldiers.

Q. Did you arrive there the morning of the 27th?—A. Yes, sir; at daylight.

Q. Who were with you at the time you arrived there?—A. There were from 12 to 14 men of Company M, Twenty-sixth Infantry, and about 40 men of the Eighteenth United States Infantry, a mounted detachment, known as the Gordon Scouts.

Q. Did you pass into the upper story of this building?—A. What is that, sir?

Q. Did you pass that morning into the upper floor of this building?—A. Yes, sir.

Q. What soldiers and officers were there?—A. Taking all the men, there must have been about 40 of the Twenty-sixth and about an equal number of the Eighteenth Infantry, regulars, about 40 of each.

Q. About 80 men in all?—A. Yes.

Q. Who commanded your company?—A. Captain McDonald, of the Twenty-sixth Infantry—Captain Fred McDonald.

Q. What other officers connected with the regulars?—A. Captain Glenn, captain, Twenty-fifth United States Infantry, judge-advocate, Department Visayas, commanded the forces, consisting of detachments of Eighteenth United States Infantry, and the Twenty-sixth United States Infantry Volunteers.

Q. Was he judge-advocate under General Hughes?—A. Yes; that was General Hughes's department. Then there was Lieutenant Conger, commanding the scouts, and the contract surgeon, Lyons.

Q. Did you pass up the stairway into the corridor above that morning, into the main hall?—A. Yes.

Q. And as you passed up, you may state what you saw.—A. I saw the presidente standing in the—

Q. Whom do you mean by the presidente?—A. The head official of the town.

Q. The town of Igbara?—A. Yes, sir.

Q. A Filipino?—A. Yes, sir.

Q. How old was he?—A. I should judge that he was a man of about forty or forty-five years.

Q. When you saw him, what was his condition?—A. He was stripped to the waist; he had nothing on but a pair of white trousers, and his hands were tied behind him.

Q. Do you remember who had charge of him?—A. Captain Glenn stood there beside him and one or two men were tying him.

Q. You may state whether or not there was a water tank in the upper corridor.—A. Just at the head of the stairs on the right there was a large galvanized-iron tank, holding probably 100 gallons, about 2 barrels. That was on a raised platform, about 10 or 12 inches, I should think, and there was a faucet on the tank. It was the tank we used for catching rain water for drinking purposes.

Q. As you passed up, did you pass through the corridor into the hall?—A. Yes; directly through the hall into the squad room.

Q. Into the squad room?—A. Yes, sir.

Q. And you may state whether or not soldiers were passing up and down.—A. Yes, sir; men were congregated around the door, and they were passing back and forth from downstairs upstairs and from upstairs downstairs.

Q. You first saw the presidente under the condition you describe, with his hands being tied behind him?—A. Yes.

Q. What else did you observe being done with him?—A. He was then taken and placed under the tank, and the faucet was opened and a stream of water was forced down or allowed to run down his throat; his throat was held so he could not prevent swallowing the water, so that he had to allow the water to run into his stomach.

Q. What connection was there between the faucet and his mouth?—A. There was no connection; he was directly under the faucet.

Q. Directly under the faucet?—A. Directly under the faucet and with his mouth held wide open.

Q. Was anything done besides forcing his mouth open and allowing the

water to run down?—A. When he was filled with water it was forced out of him by pressing a foot on his stomach or else with their hands.

Q. How long was his mouth held open?—A. That I could not state exactly, whether it was by pressing the cheek or throat. Some say that it was the throat, but I could not state positively as to that, as to exactly how they held his mouth open.

Q. About how long was that continued?—A. I should say from five to fifteen minutes.

Q. During the process what officers were present, if anybody?—A. Lieutenant Conger was present practically all the time. Captain Glenn walked back and forth from one room to the other, and went in there two or three times. Lieutenant Conger was in command of water detail; it was under his supervision.

Q. You may state whether or not there was any Filipino interpreter present.—A. There was a native interpreter that stood directly over this man—the presidente—as he lay on the floor.

Q. Did you observe whether the interpreter communicated with this presidente?—A. He did at different times. He practically kept talking to him all the time, kept saying some one word which I should judge meant "confess" or "answer."

Q. Could you understand what was said?—A. No, sir; I could not understand the native tongue at all.

Q. At the conclusion, what then was done?—A. After he was willing to answer he was allowed to partly sit up, and kind of rolled on his side, and then he answered the questions put to him by the officer through the interpreter.

Q. You say they pushed the water out of him. How was that done—what was the process?—A. I did not see the water forced from him. Some said it was forced by the hand, and others by placing the foot on the stomach; I didn't see the water forced from him.

Q. You did not see that?—A. No, sir.

Q. After he got up what did you next see?—A. It was after he gave all the desired information. He was then untied and allowed to dress, and taken downstairs in front of the quarters.

Q. Where did they take him?—A. They took him downstairs outside the building, and he stood in front of the building, waiting for his horse. He was to guide the expedition up into the mountains.

Q. While standing on the sidewalk what took place?—A. More information was sought for; and as he refused to answer, a second treatment was ordered.

Q. Where were you at that time?—A. I was in front of the building at the time, on the sidewalk.

Q. In front?—A. Yes; on the stone walk. They started to take him inside the building and Captain Glenn said, "Don't take him inside. Right here is good enough." One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddlebag, and another man was sent for a can of water, what we call a kerosene can, holding about 5 gallons. He brought this can of water down from upstairs, and then a syringe was inserted one end in the water and the other end in his mouth. This time he was not bound, but he was held by four or five men and the water was forced into his mouth from the can, through the syringe.

By Senator BURROWS:

Q. Was this another party?—A. No; this was the same man. The syringe did not seem to have the desired effect, and the doctor ordered a second one. The man got a second syringe, and that was inserted in his nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally he gave in and gave the information that they sought, and then he was allowed to rise.

Q. May I ask the name of the doctor?—A. Dr. Lyons, the contract surgeon.

Q. An American?—A. Yes, sir.

By Senator RAWLINS:

Q. Was it Captain Glenn who said not to take him in?—A. Captain Glenn.

Q. Did he make any other command before that at that time?—A. Not that I know of.

Q. Not that you recall?—A. No.

Q. How long did the second infliction of this torture continue?—A. About the same as the first; from about five to fifteen minutes. I could not tell you the exact time.

Q. How many men held this Filipino down when the first torture was inflicted?—A. About four men; one to each arm and one to each leg.

Q. Was this same interpreter present at the second infliction of the torture?—A. Yes, he was.

Q. What did he do?—A. He stood over him asking him—the same language used before until he was willing to confess, and then they stopped the water. As soon as he made a sign, or soon as he answered that he would confess, he was allowed to get up.

Q. Do you know what information they obtained from him?—A. The question asked, the information they sought for, was as to whether runners or messengers had been sent out notifying the insurgents of our arrival; and not giving a satisfactory answer, or he refusing to answer, he was given this treatment and then he acknowledged that he had done so, and as we entered the lower gate one of his police went out at the upper gate notifying the insurgents that reinforcements were in the town, to be on the watch.

Q. First Lieutenant Conger and Captain Glenn were of the Regular Army?—A. Captain Glenn and Lieutenant Conger, yes, sir.

Q. Captain McDonald and the men with you were of the Volunteers?—A. Yes, sir.

Q. You went on an expedition, did you, after that?—A. Yes, sir; the entire force that came there, except those who garrisoned the town, went on the expedition to the mountains.

Q. Did you yourself ever witness any other infliction of the water cure?—A. I did not.

Q. Did you have any conversation with the regulars who were present on that occasion?—A. They talked freely as to other treatments that had been given by them other times previous to that.

Q. What did they tell you as to the extent of the practice and the method of its employment?—A. They cited a case——

By Senator BEVERIDGE:

Q. Who is this now?—A. The regular soldiers.

Q. What regular soldiers?—A. The Eighteenth United States Infantry.

Q. But what man?—A. I do not know his name, sir.

Senator BEVERIDGE. Oh!

A. (continuing). I was not acquainted with them at all.

Senator BEVERIDGE. I think hearsay testimony is perfectly proper where the witness will give the name of the person or persons from whom he heard a statement, but where the witness can not give any names, then I do not think it is proper.

Senator RAWLINS. I will pass to another subject.

By Senator RAWLINS:

Q. How large a town was this village of Igbaras?—A. I do not know how many acres it covered.

Q. I do not mean how many acres, but about how many houses?—A. From 400 to 500 native shacks or bamboo houses.

Q. How long were you there after your arrival that morning?—A. We were there until about 8 o'clock the next morning. We were in the immediate vicinity of the mountains back of the town. We left there between 8 and 8.30 the next morning.

Q. What was done with the town?—A. After returning from the mountains the town was burned that night.

Q. By whose orders?—A. By order of Captain Glenn.

Q. How many houses were destroyed?—A. Practically the entire town, with the exception of the church, the quarters of the soldiers, and about twenty or thirty houses in the lower section of the town.

Q. How were those houses occupied?—A. They were occupied by native families.

Q. Men, women, and children?—A. Men, women, and children; yes, sir.

Q. Do you know what reason, if any, was assigned for burning the town?—A. On account of the condition of affairs exposed by the treatment.

Senator BEVERIDGE: How was that?

A. It was burned on account of the exposition of the affairs in the morning, the information received from the presidente, from the officials, and the town was burned in consequence.

By Senator RAWLINS:

Q. You arrived in San Francisco when?—A. April 20, 1901.

Q. On your arrival there were you approached in relation to this matter of the water cure?—A. I was called before the lieutenant-colonel commanding the regiment.

Q. Who was he?—A. Lieutenant-Colonel Joseph T. Dickman, Captain of the Seventh United States Cavalry.

Senator BEVERIDGE. Do you not mean Wickman?

The WITNESS. No; Dickman.

By Senator RAWLINS:

Q. What conversation did you have with him in relation to this?—A. I think it was on the evening of the arrival, about 6 o'clock, I was sent for, ordered to report to the lieutenant-colonel, and on reporting he stated he had a letter from the War Department in regard to a letter I had written to the Northampton "Daily Herald." He showed me the signature that was under it, and said he would send for me later. In about two days I was sent for the second time and questioned as to whether I took part in the treatment. I answered that I did not. He then asked me if any of the men with me took part. I told him they did not. He meant by the men with me the men of the company. I told him they did not. He said, "That is all." He spoke up then, "Did you see the treatment administered?" I told him I did. He asked me then why I did not give the other side of the story. "Why did you not tell of the outrages committed on our men?" and he cited two or three cases that I was familiar with, men of our own command being murdered. I said it was not written for publication, but it was a letter written to relatives, and that it had been published without my authority. I told him that it was obtained and published without my authority at all. My name was signed to it.

Q. That was published in what paper?—A. The Northampton "Daily Herald."

Q. What further took place?—A. That was all in connection with that letter.

Q. Do you know what, if any, report was made? Was that within your knowledge?—A. Nothing was within my knowledge anything more than I obtained from the papers.

Q. Nothing further occurred at that time?—A. No, sir.

Q. Have you given all the conversation that took place between you and the Colonel?—A. Yes, sir.

Q. Did you have any conversation with any other officer at San Francisco?—A. No, sir; not with regard to the treatment.

Senator RAWLINS. That is all I desire with this witness.

By the CHAIRMAN:

Q. Did you witness any other cases of this kind?—A. I did not.

Q. Do you know of any other cases?—A. Nothing any more than hear-say stories from other sources.

Q. Stories from people whose names you cannot give?—A. No, sir; I cannot.

Q. Did the man who was subjected to this water cure die from the result?—A. No, sir; he did not.

Q. Did he, so far as you know, suffer afterwards from it?—A. Not to my knowledge. He was taken prisoner afterward and I never saw him again.

Q. This was the only case you witnessed?—A. Yes, sir.

Q. The letter you wrote you have testified was a private letter.—A. Yes, sir.

Q. Published without your consent?—A. Yes, sir.

Q. Did you relate in that letter various crimes of violence, or only this one?—A. I think only that one.

Q. In papers sent for by the Committee and published here in regard to charges of cruelty, on page 20 of the Senate Documents No. 205, is this statement:

"In a letter written by Sergeant Charles S. Riley, Company M, Twenty-sixth United States Volunteer Infantry, which was published in the North-

amp'ton (Mass.) 'Herald' about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the water cure was administered to extort information and that the town of Igbaras, Panay, was burned to the ground."

You have testified as to that case of water cure and to the burning of the town. The statement is "various crimes of violence against natives," and I therefore wanted to know whether that was the only one.—A. I do not remember exactly what was in that letter further than I stated in there about this water cure. I do not remember whether I stated other facts or not.

Senator RAWLINS. I have that letter, and that can be submitted. I did not bring it with me this morning.

Senator BEVERIDGE. Will you bring it to-morrow?

Senator CULBERSON. You are, of course, reading from a Senate document, but what communication is it? Is it from the Secretary of War?

The CHAIRMAN. Yes, sir.

By the CHAIRMAN:

Q. (Reading.) "This publication called forth a number of letters to the department protesting against such outrages. One letter, from Isaac Bridgman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general Department of California for reference to the commanding officer Twenty-sixth United States Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth United States Volunteer Infantry, dated April 24, 1901, with his report, as follows:"

And then to read further—

"Fourth indorsement. Headquarters Twenty-sixth Infantry United States Volunteers, Presidio of California. Respectfully returned. Sergeant Riley, Company M, Twenty-sixth Infantry United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever."

This is Colonel Dickman's statement. That is correct, is it?—A. Yes, sir. The letter was published without my authority.

Q. (Reading further.) "The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated."

Is that correct?—A. Yes, sir; that is correct.

Q. (Reading.) "Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves. Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog."

Is that true?—A. Yes, sir; that is true.

Q. (Reading.) "Private Nolan, at Dingle, was tied up by the natives while in a stupor. The insurgents were sent for and cut his throat with a sangut." Is that true?—A. That is true; yes, sir.

Q. (Reading.) "The body of Corporal Doheny, of Company D, was dug up, burned, and mutilated at Dumangas." Is that true?—A. I heard about that.

Q. You know that from hearsay?—A. Yes, sir.

Q. (Reading.) "Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up." Is that true?—A. That is true.

Q. (Reading.) "Lieutenant Max Wagner was assassinated on the road to Pototan October 1, by insurgents disguised in American uniform." Was he in your regiment?—A. Yes; he was one of the lieutenants of the regiment.

Q. He was found killed?—A. He was ambushed; yes, sir. I do not know about the uniform, but he was ambushed.

Q. (Reading.) "These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numer-

ous to mention. Details can be furnished of the butcheries at Leganas and Mina, and of burials alive near Barotac Nuevo. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

"J. T. WICKMAN,
"Lieutenant-Colonel Twenty-sixth Infantry,
"U. S. Volunteers, Commanding."

Senator CARMACK. Do I understand that any of those outrages were committed by this presidente subjected to the water cure?

The CHAIRMAN. No, not at all; it is not stated so.

The WITNESS. These were outrages in other parts of the island.

The CHAIRMAN. They were outrages in other parts of the island.

By the CHAIRMAN:

Q. What was the conduct of the men of your regiment—those whom you saw—toward natives?—A. I did not see anything out of the ordinary. I did not see any inhuman treatment; anything more than there naturally would be. Any ill treatment against natives at all was by soldiers under the influence of liquor. As a rule, soldiers in their sober senses treated the natives all right.

By Senator CARMACK:

Q. When they were sober they treated them all right?—A. Yes, sir.

Q. Do you mean that when they were drunk it was something otherwise?—A. There were reports at different times of trouble with natives on account of men drinking outside in the towns around among the natives.

Q. What was the nature of such trouble?—A. Usually a fight; a free hand fight, or something to that effect.

By the CHAIRMAN:

Q. In the case of these fights and attacks on natives that you speak of, were they punished for that conduct?

Senator BEVERIDGE. Put in the guardhouse?

A. Sometimes they were, sometimes they were not; it all depended. If a native reported it to the officers, it was invariably investigated. Sometimes the natives were found to be in fault, and if a man was found to be in fault he was usually punished.

By Senator BEVERIDGE:

Q. When he was in fault, he was punished?—A. Yes, sir.

Q. Our own men?—A. Yes, sir.

Q. I notice that you said that this treatment was continued from five to fifteen minutes. Did you time it?—A. No, sir; I did not.

Q. It might have been only five minutes instead of fifteen; that would make a good deal of difference.

Senator CULBERSON. That is what he has already said.

A. I could not state the time. It seemed longer than five minutes.

By Senator BEVERIDGE:

Q. You have said he did not die?—A. Yes.

Q. Did he suffer any ill effects from that treatment?—A. His eyes were bloodshot; otherwise he seemed to be—

Q. Did you see him the next day?—A. Yes, sir.

Q. Did he seem all right then?—A. Yes; he was taken prisoner and was confined after that.

Q. He was confined after that?—A. Yes; after he came back from the mountains he was locked up for the night and then taken to Iloilo the next day as a civil prisoner.

Q. How did it happen that in your letter to your friend you mentioned only the harsh treatment of Americans upon this native and did not mention any of the outrages committed by the natives upon the Americans?—A. I was not comparing the case at all, I was simply stating this fact. I wrote the letter in connection with the information that he divulged that morning. I simply stated the facts as an event of the day and did not say whether it was inhuman or not.

Q. But it did not occur to you to make any statement about the outrages that were committed on Americans by natives?—A. Those I believe I stated at other times.

The CHAIRMAN. And those letters were not published?

The WITNESS. No, sir.

By Senator BEVERIDGE:

Q. And those letters were not published?—A. No, sir.

Q. This was in 1900?—A. In 1900, yes; November, 1900.

Q. That was the time of active warfare, at the time of the suppressing of the insurrection?—A. Yes, sir.

By Senator BURROWS:

Q. I understand you to say that American soldiers were present when this water cure was administered?—A. Yes, sir.

Q. How many?—A. About eighty.

Q. Did any of them take part in it?—A. Yes, sir.

Q. How many of them?—A. I could not tell you the exact number of different ones. There were usually five or six employed. Whether they were the same five or six employed the time the treatment was given the second time, I could not state.

The CHAIRMAN. Were they the men of the Eighteenth?

The WITNESS. Yes, sir.

By Senator BURROWS:

Q. By whose orders?—A. Captain Glenn.

Q. Who is Captain Glenn?—A. Judge-advocate of the Department of Visayas. He was captain of the Twenty-fifth Infantry.

Q. Were those 80 men intoxicated, or were any of them intoxicated?—A. No, sir.

Q. All sober and in their right minds?—A. Yes, sir.

Q. When they filled this man up with water they were sober?—A. Yes, sir.

Q. What had been his crime?—A. Information had been obtained from a native source as to his being an insurgent officer. After the treatment he admitted that he held the rank of captain in the insurgent army—an active captain. His police force, numbering 25, were sworn insurgent soldiers. He was the presidente of the town and had been for a year, and he always showed himself to be friendly on the outside to the officers, and the men the same way.

Senator BEVERIDGE. But in reality—

The WITNESS. He was an insurgent officer and his men were insurgent soldiers. He acknowledged that, and his police acknowledged the same thing. When they took the oath as police they took the oath of the insurgent soldier.

The CHAIRMAN. Were they supposed to be friendly to the United States?

The WITNESS. They were; yes, sir.

By Senator BEVERIDGE:

Q. That was a pretense?—A. Yes, sir.

Q. And this was during the time of active warfare?—A. Yes, sir; during the entire time he held the place as the presidente in that town.

By Senator BURROWS:

Q. His offense was treachery to the American cause?—A. Yes, sir.

Q. And for that the water cure was given?—A. No; the water cure was given to find out this information. The information had been obtained from another source.

Q. This water cure was given to find out whether he would admit it?—A. Yes, sir; to find out whether it was true.

Senator BEVERIDGE. No; you said it was given to find out whether warnings had been given to the insurgents of your arrival.

The WITNESS. No; that was the second treatment.

By Senator BURROWS:

Q. I am talking about the first treatment.—A. That was given to corroborate the information that had been obtained.

Q. And so he was put to this torture for the purpose of finding that out?—A. Yes, sir.

Senator CULBERSON. Do I understand you to say that he was put to this torture to compel him to give evidence against himself?

The WITNESS. Yes, sir.

By Senator BURROWS:

Q. You never had the water cure administered to you?—A. No, sir.

Q. Should you judge from the actions of the person to whom it was administered that it was a pleasant operation?—A. No, sir.

Q. Painful?—A. Yes, sir.

Q. What makes you think so?—A. From the way he would struggle and try to get up, and of course he could not holler or make any loud noise.

Q. Why not?—A. On account of the water being in his mouth. He could gurgle, and he would struggle and try to get up. Being held by main strength he was practically helpless.

By Senator CULBERSON:

Q. When the foot was applied to his stomach with what force did the water come out of his mouth?—A. I did not see that.

Q. Do you know whether the water came out of his nose?—A. I could not state as to that, any more than what the men who were there said that it would squirt up 2 or 3 feet in the air.

Senator CULBERSON. Like an artesian well?

Senator BEVERIDGE. What man stated that?

The WITNESS. Sergeant Davis stated that.

The CHAIRMAN. Of the Eighteenth?

The WITNESS. Of the Twenty-sixth Infantry.

By Senator BURROWS:

Q. Then the infliction of this water cure on this person was not for the various outrages that had been committed in the various parts of the islands?

—A. No, sir; it had no connection with them.

Q. Simply to make him disclose—— —A. Simply to make him corroborate what they had heard.

Q. Whether he was loyal to the American cause or a traitor?—A. Yes, sir.

Q. Who did you say this officer was that ordered the salt?—A. Doctor Lyons, the contract surgeon.

Q. Of what regiment?—A. He was a contract surgeon and did not belong to any regular command.

Q. Where does he live?—A. He did not have any regular command.

Q. Is he an American?—A. Yes, sir. He was there in connection with the Department of Visayas, either connected with the hospital or he was connected with the Eighteenth Infantry, detailed for that purpose.

Q. At the second performance water was injected into the mouth and into the nose?—A. Yes, sir.

Senator BEVERIDGE. Did you see that?

The WITNESS. Yes, sir.

By Senator BURROWS:

Q. Who suggested putting tubes in the nose?—A. Dr. Lyons.

Q. Did anybody kill him?—A. Kill who, the Doctor?

Q. Yes.—A. No, sir.

By Senator BEVERIDGE.

Q. Where do you live?—A. Northampton, Mass.

Q. What is your business?—A. I am a clerk.

Q. In what establishment?—A. The establishment of W. H. Riley & Co., plumbers and steamfitters.

By Senator RAWLINS:

Q. You have lived in Northampton all your life?—A. Yes, sir; I was born there.

Q. And you are known by all the people there?—A. Yes, sir.

Q. How large a town is Northampton?—A. About 16,000. I say I have lived there all my life; I have, with the exception of three years I lived in Hartford.

Q. Is this paper which published this letter a Republican paper?—A. I cannot state. I think it is inclined to be Republican. It is only a local paper and does not publish much news except local news.

By Senator BEVERIDGE:

Q. How long were you in the Philippine Islands?—A. About eighteen months.

Q. During this time this was the only instance of the water cure that you witnessed?—A. The only one I witnessed.

Q. You were engaged in active service all of that time.—A. Yes, sir.

Q. In the suppression of the insurrection during that time.—A. Yes, sir.

Senator BURROWS. Do you know of other instances?

The WITNESS. Nothing; only hearsay from other men.

Senator BEVERIDGE. I asked him about that.

The WITNESS. Different commands stated what they did; nothing that I could prove; I could not give their names.

Senator BEVERIDGE. He could not give their names, and I objected to the statement being made on that account.

Senator RAWLINS. Since we have elicited some hearsay testimony, if the testimony of the witness is sought to be obtained in that regard, I think this witness is prepared to testify if the committee holds it competent, by hearsay, that this practice was so usual that there was a regular detail known as the "water detail" in each regiment, assigned for this purpose, and that it was done with the knowledge of those in command of the troops.

Senator BEVERIDGE. I object to any statement being elicited from the witness hearsay where he cannot give the name of the man from whom he obtained the information. Where he can give the name, as he did in response to a question of mine, it is proper, although it would not be in court—

Senator RAWLINS. I am not going to press the matter.

Senator BEVERIDGE. But where the witness states general hearsay without names, then I object.

Senator RAWLINS. That is all, Mr. Riley.

(Witness excused.)

TESTIMONY OF WILLIAM LEWIS SMITH.

(Sworn by the chairman.)

By Senator RAWLINS:

Q. Were you at Igbaras, Iloilo Province, island of Panay, on or about the 27th of November, 1900?—A. Yes, sir.

Q. What regiment were you connected with?—A. Twenty-sixth Volunteer Infantry.

Q. How long had you been in the service at that time?—A. Since July 17, 1899.

Q. Where is your home?—A. Athol, Mass.

Q. You may state whether or not you witnessed what is known as the water cure.—A. I did, sir.

Q. And where did you see it?—A. At the town of Igbaras.

Q. On what day?—A. November 27, 1900.

Q. Upon whom was it inflicted?—A. Upon the presidente of the town and two native police.

Q. Did you observe it inflicted more than once?—A. I saw part of it at one time and the whole of it the second time.

Q. Describe what you saw on the first occasion.—A. We arrived at the town about daylight in the morning. It was just breaking day. There was an outpost put all over the town, so that no people could leave town by the gates, and we proceeded to quarters. A detachment of our company was stationed there. The company that we joined was commanded by Lieutenant Conger, of the Eighteenth Infantry, known as Gordon's Scouts. We proceeded to quarters, and I was one of a detail that was sent out to ask the presidente to come over to the quarters. On the way we met him and proceeded to the house of the padre, the priest of the town, to get him. He was not at home.

The presidente went along over to the quarters. When I got back to the quarters, the boys were sitting around, and I went upstairs, and the first that I saw of the presidente was that he was stripped. He had nothing on but his pants. His shirt and coat were off, and his hands were tied behind him, and Lieutenant Conger stood over him, and also a contract doctor by the name of Dr. Lyons, and as we stopped there they proceeded to give him what is known as the water cure. It was given from a large tank. I should say the tank held—well—a hundred gallons, anyway. I do not know whether it was full at the time, but the tank would hold about that—two barrels of water I should think, surely. He was thrown on his back, and these four or five men, known as the water detail of these Gordon Scouts, held him down. Water was administered by the opening of the faucet. We could not get close enough to see exactly how it was done, because if we would congregate there at all the officers would tell us to pass on. We had to go upstairs to get into our squad room, and if we would congregate there they would tell us to pass on. We would go back and forth and see it at times.

The second time I saw it after he had confessed what they wanted—I do not know whether he confessed or not, I only saw a part of that—but downstairs they asked him through an interpreter, they all stood over him at the time, and they asked him if he sent any word out to the insurgents when the troops arrived in town. One of the native police in the meantime disclosed that he had, that he had sent him personally, so in order to get that from him Lieutenant Conger called for the water detail. This time it was given by means of a syringe. Two men went out to their saddlebags and obtained two syringes, large bulbs, a common syringe, about 2 feet of common hose pipe, I should think, on either end. One was inserted in his mouth and the other up his nose. We could all stand by there and see that. When this doctor said to get a pail of water, and they started into the building with him, Captain Glenn was there, and he said, "No, this is good enough right here on the outside." So we all had a chance to witness it that time; and as the water did not seem to have the desired effect, the doctor stood over him and said to get a cup of salt. One of the men went upstairs and procured a cup of salt and it was thrown into the water, and the interpreter stood there all the time, and after he had had it some time he did disclose what they wanted, and he said he was willing to guide us out there. We went out and stayed the greater part of the day, but did not see anything of the insurgents. That is what I saw of the water cure.

Q. What became of that town?—A. It was burned about 8 o'clock, under orders of Captain Glenn. Lieutenant Conger started out with his men—that is, the Eighteenth Infantry—to burn part of the town. Captain McDonald, of the Twenty-sixth, took his men and went to the lower end of the town. We started burning after they started burning at the other end, in order to give the natives time to get out before their buildings were burned.

Senator DUBOIS. Did you personally do any of the burning?

The WITNESS. Yes; I did set fire to some buildings.

By Senator RAWLINS:

Q. How were those occupied?—A. By native men, women, and children alike. Nearly all of the buildings were bamboo and nipa, and all you have to do is to light this nipa roof and it is gone in a short time.

Q. What became of the furniture and household effects?—A. They do not have a great deal of furniture or household effects. They sleep on the floor. Only the better class there have beds. They sleep on the floor as a rule. Of course, what few tables and benches they had were destroyed. They only had time to save the clothes that they wore at the time.

Q. Was any discrimination made as to whose buildings should be burned, and whose not?—A. The church was to be saved and the quarters occupied by our men, and five large buildings that were not made of this bamboo construction, but were made of wood—good buildings. They were to be saved for the occupancy of the women and children after the rest of the town was burned.

Q. You have already stated, I think, that this water cure was inflicted by Lieutenant Conger of the regulars, by scouts under his command?—A. Yes, sir. The way he had of ordering it done was, "Water detail;" that is all I heard him say. The men went on then and did the rest of it. The men stood over, as did Captain Glenn and Dr. Lyons, and witnessed it both times.

Q. After the town was burned and after you returned the presidente what became of him?—A. He was taken to Iloilo for trial; I don't know what his sentence was.

Q. How old a man was he?—A. He was a man forty-five or fifty years old, I should think; forty-five years old anyway.

By Senator DIETRICH:

Q. You say that the presidente, after having received the water cure the second time, acted as guide to show you where the insurgents were?—A. In the mountains, yes.

Q. How did he go, afoot or horseback?—A. Horseback.

Q. He seemed to be in good condition, did he?—A. Yes, sir.

Q. And the water cure did not seem to injure him very much?—A. No; it does not seem to injure anyone very much after forcing the water out of him. They forced it out by placing a foot on the stomach.

By Senator BEVERIDGE:

Q. The chief effect is fright, is it not?—A. Yes, sir.

Q. This was two years ago?—A. Yes, sir.

Senator CULBERSON. The chief effect of what?

Senator BEVERIDGE. The chief effect of the water cure.

By Senator BEVERIDGE:

Q. Do you know of many outrages by the natives upon the American troops?

Senator RAWLINS. I object to the question.

The WITNESS. No, sir; I do not know.

The CHAIRMAN. Did you ever see any other cases of water cure?

The WITNESS. No, sir.

By Senator BEVERIDGE:

Q. How long did you serve there?—A. We arrived there the 30th of October, 1899, and left there the 4th of March, 1901.

Q. So you were there practically two years?—A. About eighteen months on the islands.

Q. You were there in Iloilo part of the time?—A. We were there about a month; not over that.

Q. You were in Manila part of the time?—A. No, sir; I was never in Manila at all.

Q. Did you go about the hospitals in Iloilo?—A. Yes, sir.

Q. Did you observe Filipino prisoners, wounded or sick, attended to in our hospitals by our surgeons and nurses?—A. I did not. I was not there at the time when any Filipino prisoners were in there. I was not there any great length of time anyway.

Q. Did you observe any kind treatment upon the part of the officers and soldiers during the service of your enlistment or your service there?—A. To the natives?

Q. Toward native prisoners?—A. I do not think they treated the native prisoners in our quarters in regard to sleeping quarters very well. We had about forty of them at the time—

Q. Did you know General Hughes?

Senator RAWLINS. Let us have an answer.

A. (Continued.) At the time Igaras was burned we took about forty of them there, and they were made to sleep on the ground in the basement of the building.

By Senator BEVERIDGE:

Q. Really, on the ground?—A. Yes, sir. We had two places to keep them. We had to build one place; one place was where we locked our own prisoners, in case we had any, and we turned that over; and after that was full they lay on the ground, except for such mats as were brought them by their own people. Otherwise they had nothing to lie on.

Q. And their own people were permitted to bring in mats and other comforts?—A. Yes; food.

By Senator McCOMAS:

Q. How did you treat them?—A. When I came in contact with them—well, if I took them out and worked them I was pretty careful to keep them at work and see that they did not get away.

Q. Did you treat them humanely and kindly?—A. I did not treat them unkindly. I kept them at work all the time.

Q. So far as you were concerned, you endeavored to treat the prisoners humanely?—A. Yes, sir. They treated me well and I treated them the same.

Q. How did those about you treat them?—A. They treated them well.

Q. That is the extent of your own observation, is it not?—A. That is the extent of my observations, so far as I saw.

By Senator BEVERIDGE:

Q. You are a soldier, and slept on the ground yourself many times?—A. Yes, sir.

Q. Even without a mat?—A. Yes, sir.

Q. And even when you were not a soldier you have slept on the ground?—A. Yes, sir; when I have been camping I have.

By the CHAIRMAN:

Q. This was the only case you witnessed?—A. The only case I witnessed; the only case I saw with my own eyes.

Q. Were there any other applications of the water cure by men of your regiment that you know of?—A. No, sir.

Q. This is the statement of your colonel:

"Major Cook, Captain McDonald, and Sergeant Riley state that no offi-

cers or soldiers of this regiment took part in the so-called water-cure proceedings or other threats against the natives on the occasion stated."

A. At Igbaras they did not, otherwise than burn the town. They had nothing to do with the water cure.

Q. That related to water cure, of course?—A. Yes, sir.

Q. Your own regiment was not guilty at all?—A. Not that I know of; our company, at least, was not.

By Senator BURROWS:

Q. I did not understand clearly by whose orders this village was burned.—A. Captain Glenn; he was at that time judge-advocate of the island under General Hughes.

Q. What was the population of the town?—A. I should say 25,000; a good many people, often 12 or 14, live in one of these little shacks. I may estimate it high, but I have heard it estimated as a population of 25,000.

By the CHAIRMAN:

Q. Is it as much of a town as Athol?—A. I should think so.

Q. That is a good ways from 25,000.—A. But they live differently there. They live 12 or 14 people in the house.

Senator BURROWS. I want to ask you—

A. (Continued.) I do not think there are quite as many as that in the town itself. It was estimated as 25,000, but that includes all of the barrios, and only part of the barrios were burned. We burned everything we passed going to the mountains. The town is estimated on the map to be 25,000.

The CHAIRMAN. It is a sort of a township like they have in Massachusetts?

The WITNESS. Yes.

Senator BEVERIDGE. You mean the township contains in all about 25,000?

The WITNESS. Yes; that is what I mean.

The CHAIRMAN. It is like our townships in Massachusetts, comprising a large area?

The WITNESS. Yes, sir.

By Senator BURROWS:

Q. Then I will ask you the population of the village, not of the township.

—A. At least 10,000.

Q. You say children are very numerous there?—A. Yes, sir.

Q. What time of the evening was this village fired?—A. Between the hours of 8 and 8.30.

Q. Notice was given, of course, before that time to the inhabitants of the town?—A. Notice was given in this way: When Lieutenant Conger and his men started to the upper end of the town, they warned the people in that end that they were going to burn the whole town. Notice was not given before that.

Q. They commenced at one end—A. They commenced at one end, and that gave the people a chance to get out.

Q. How did they notify them?—A. By four or five interpreters.

Q. Did they go along crying out?—A. Yes, sir.

Q. Is that the way they did, or did they go into the houses and warn the people?—A. They cried out.

Q. That would give an opportunity for the women and children to get out?—A. Yes, sir.

Q. The fire burned very rapidly, did it not?—A. Yes, sir; by 12 o'clock the town was entirely destroyed.

Q. It was fired between 8 and 9 o'clock, and by 12 o'clock it was entirely wiped out?—A. Yes, sir; it was smouldering, but not a building was left that could be occupied—except those I mentioned were saved.

Q. Ample notice was given so no lives were destroyed?—A. No lives were destroyed that I know of.

By Senator DIETRICH:

Q. You say this presidente that the water cure was perpetrated upon had been accused of treachery?—A. Yes, sir. He confessed to holding a captain's commission in the Filipino army at that time.

Q. There had been a great many assaults upon American soldiers; American soldiers had been murdered in a great many ways?—A. Not in our district. We never had a soldier injured in our district (until after that time); but in other districts they did.

Q. Did you condemn at the time this water cure?—A. Yes, sir.

Q. Did other soldiers condemn it?—A. Yes, sir; they thought it was very cruel treatment.

The CHAIRMAN. Active operations were going on at that time, were they; fighting going on at that time?

The WITNESS. Yes, sir.

Senator BEVERIDGE. It was a state of war?

The WITNESS. Yes; a state of war.

By the CHAIRMAN:

Q. Did you remain there until the conclusion of your service?—A. No; I was mustered out in San Francisco.

Q. I mean after this period?—A. Yes; I remained there from November 27th until March 4th.

Q. Of the following year?—A. The following year; yes, sir.

By Senator RAWLINS:

Q. How long had you been there prior to November 27th?—A. Since October 30, 1899.

Q. And you had been at Igbaras or in that vicinity about a year?—A. Yes, sir.

Q. And during that time you say there had been none of the American soldiers killed?—A. No one. I never saw a man killed or injured in our company until after the burning of Igbaras. We occupied 5 towns, and we had anywhere from ten to eighteen men in each town.

By Senator BEVERIDGE:

Q. Where do you live?—A. Athol, Mass.

Q. What is your business?—A. I am a machinist. I work for the L. S. Sterritt Machine Company.

By Senator RAWLINS:

Q. Did you see the water cure administered to the police?—A. Yes, sir.

Q. When?—A. In the evening, under the tank, as they took the presidente the first time.

Senator BURROWS. What is that?

The WITNESS. In the evening they administered it to two of the police. They gave them the water cure under this large tank as they did to the presidente the first time, without the means of the syringe.

Senator RAWLINS. Who did that?

The WITNESS. The water detail, Lieutenant Conger and this Dr. Lyons. Captain Glenn was not there in the evening at that time. This was before the burning of the town. It was about 7 o'clock. We got to Igbaras about 5 o'clock, and this was about 7 o'clock.

By Senator CULBERSON:

Q. When they administered the water cure by means of the syringe how many applications of the syringe were necessary in order to fill the men up with water?—A. It usually took about three, or four, or five minutes. They never stopped at all—they do not take it out at all—they keep it up, but they watch the man, and I noticed the doctor touched his heart once in a while. I noticed that.

Q. The doctor would watch the process?—A. Yes, sir.

Q. To see what effect it was going to have upon the man's heart?—A. Yes, sir.

Q. And you say they administered the water also through the nose?—A. Yes; one syringe up the nose and the other in the mouth.

By Senator BEVERIDGE:

Q. Were the Filipino prisoners that you describe as sleeping where our soldiers who were also under surveillance slept, as on some mats on the ground, fed abundantly by our authorities?—A. They were fed from our rations—yes.

Q. The same food that the American soldiers were fed?—A. Yes.

Q. They were not beaten or struck or abused, were they?—A. No, sir; I did not see them beaten or struck.

Q. And the men under your charge you merely kept at work?—A. Yes, sir.

Q. As you would keep any other men at work whom you supervised?—A. Yes, sir; and I looked out that they did not escape.

Q. If the prisoners got sick they were attended by the American physicians?—A. Yes, sir; they were.

Q. And they received the same medicine that our soldiers received?—A. They did at that time, quite a number of them.

By Senator CULBERSON:

Q. Do you lay any stress on "that time," or was the policy changed with reference to the treatment of prisoners afterwards?—A. I do not understand your question.

Q. You stated that at that time they were treated like the American soldiers who might be ill. Was that policy changed afterward?—I do not know whether you intend to lay any stress upon "that time."—A. That was the only time we had prisoners there.

By Senator BEVERIDGE:

Q. So far as you observed, they had the same treatment that our soldiers had?—A. Yes, sir.

Q. The same food and medical attendance?—A. Yes, sir; they were taken to the hospitals. I have taken them there myself, and they would be given medicine.

Q. So that the Filipino prisoners had the same food and the same medicine and the same attendance, so far as you observed, that our soldiers had?—A. They did not have the same rations; they were provided by the Government, but were not the same rations that we had.

Q. I understood you to say that they had the same rations; that they were fed out of the same rations.—A. That was a mistake of mine, then. It was issued by the Government, drawn from our commissary, but not the same class of rations that we had.

Q. It was plentiful and good food?—A. Yes.

Q. And applicable to them?—A. Yes.

Q. Food that they were used to?—A. Yes; it consisted more of rice, and the like of that, and they preferred it to our meats.

Q. In other words, they got the food that they preferred?—A. Yes, sir.

Q. And that is the only respect in which there was any difference, in respect of food—A. Yes, sir.

Q. (Continuing.) Between the treatment given to them and the treatment of our own soldiers?—A. Yes, sir.

By Senator RAWLINS:

Q. I call attention to the statement here: "Privates Dugan, Hays, and Tracy, of Company F, were murdered by the town authorities at Calinog." Do you know about that?—A. Only by hearsay; I did not see it.

Q. Where was that?—A. About fifty miles from where I was stationed.

Q. That was not at this place?—A. No.

Q. (Reading.) "Private Nolan, at Dingle, was tied up by the natives while in a stupor; the insurgents were sent for and cut his throat with a sangut." How far away was that?—A. I don't know where that town is; I know where Calinog is.

Q. Do you know anything about that of your own knowledge?—A. No, sir; I do not.

Q. (Reading.) "Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, and burned for four hours with a slow fire, and finally slashed up." Do you know about that?—A. I heard about that. Their company was stationed four miles from where we were stationed. I heard their story.

Q. How far was that?—A. Sixteen miles from Igaras.

Senator BEVERIDGE. You say it was about four miles from where you were located?

The WITNESS. I said their company was stationed four miles from where our company was. Where this took place was about sixteen miles from Igaras.

The CHAIRMAN. All these towns were in the same district.

The WITNESS. Yes, sir.

By Senator RAWLINS:

Q. Do you know who did this?—A. No, sir; I do not know whether it was the insurgents or ladrones or bandits.

Q. I will ask you to state generally what distinction you make between ladrones and insurgents.—A. The ladrones are robbers and they plunder their own people as well as the American troops; they rob their own people even more than they do the Americans.

Q. Is it not true that these horrors were inflicted by ladrones or robbers

rather than by what is known as the insurrectos?—A. I could not say as to that.

Q. Are the ladrones generally with the insurgents?—A. They are connected with them; yes.

By Senator BEVERIDGE:

Q. And is it not true that the people who are disposed to be peaceable among the natives desire protection from the ladrones.—A. Peaceable among the American troops?

Q. No, not at all; those who are peaceable among the natives. Do they desire protection against the ladrones?—A. These peaceful Filipinos; yes. That is what I understand you to say, those that were friendly to the Americans.

Q. Yes.—A. They want protection against the ladrones; yes.

By Senator BURROWS:

Q. What was this water cure administered to these two policemen for?—A. They swore that the whole police force of the town of Igbaras had sworn allegiance to the presidente any time they were called to take arms against the American troops in the town.

Q. They swore to that—when?—A. That evening.

Q. Before the water cure was administered?—A. No, sir; afterward.

Q. Why was the cure administered?—A. Why?

Q. Yes.—A. I do not know unless it was for the same reason that Captain Glenn knew that they had information and would not disclose it, as was the case with the presidente.

Q. Is it your understanding that this water cure was administered as an infliction upon these people because outrages had been perpetrated on our troops in other localities?—A. I do not understand it so.

Senator RAWLINS. It was administered for the purpose of compelling information.

The WITNESS. It was for the purpose of compelling information; yes.

By Senator BURROWS:

Q. This water cure is not harmful?—A. I do not know about the effects of it.

Q. A physician is not called in to resuscitate the patient?—A. No, sir.

Q. Or, in all probability, the victim?

Senator RAWLINS. You keep a doctor with you all the time?

The WITNESS. Yes, sir.

Senator BEVERIDGE. The purpose of that doctor being present is to see that no injury is inflicted, is it not?

The WITNESS. I do not know; I suppose so.

Q. You naturally suppose so from the fact that our physicians attend the Filipinos who are ill?—A. Yes, sir.

By Senator DIETRICH:

Q. You have just stated that this presidente started right out on a hiking expedition.—A. He rode his horse.

Q. And seemed to be in perfect health and in good condition?—A. He stood the effects of the ride as well as any of us. I do not know that it injured him, and I don't know that he suffered any ill effects from it afterward. I don't know any thing about that.

(Witness excused.)

(Thereupon, at 12 o'clock M., the committee took a recess until to-morrow, April 15, 1902, at 10.30 o'clock A. M.)